
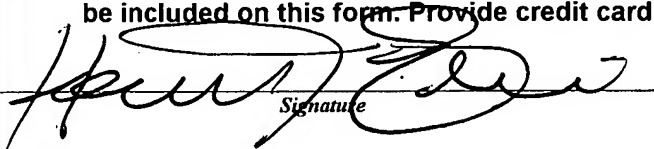
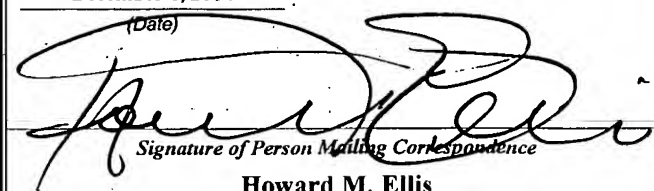


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| AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s): Gerald ARSENAULT et al. | | | | Docket No. TCHP:101 US | |
| Application No. 10/626,145 | Filing Date 07/24/2003 | Examiner Mark Williams | Customer No. 24041 | Group Art Unit 3676 | Confirmation No. 9311 |
| <div style="float:left; width:20%;"></div> <div style="float:right; width:80%;">INVENTION: CASTER ASSEMBLY</div> | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 22 - | 22 = | 0 x | \$9.00 | \$0.00 |
| INDEP. CLAIMS | 1 - | 3 = | 0 x | \$44.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0822 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| <div style="text-align:center"> Signature</div> Howard M. Ellis Registration No. 25,856 SIMPSON & SIMPSON, PLLC 5555 Main Street Williamsville, New York 14211 716-626-1564 | | | Dated: December 6, 2004 | | |
| CC: | | | <div style="border:1px solid black; padding:5px;"><p>I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on December 6, 2004 (Date)</p><div style="text-align:center"> Signature of Person Mailing Correspondence Howard M. Ellis</div><p style="text-align:center">Typed or Printed Name of Person Mailing Correspondence</p></div> | | |
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ATTORNEY DOCKET NO. TCHP:101 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gerald Arsenault et al.

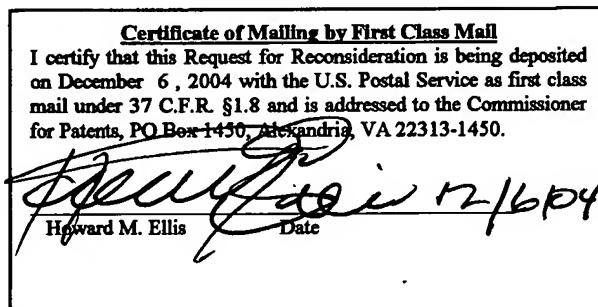
Art Unit 3676

Application No.: 10/626,145

Filed: July 24, 2003

Examiner: Mark Williams

For: CASTER ASSEMBLY



REQUEST FOR RECONSIDERATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Official Action of September 7, 2004, in the matter of the captioned application.

Applicants courteously request reconsideration and withdrawal of the rejection of claims 1-22 in view of the following remarks.

REMARKS

In the Official Action of September 7, 2004, claims 1-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US Pat. 3,935,613). This ground of rejection is courteously traversed.

Kaneko discloses a detachable caster roller 24 with a seat for anchoring the caster in either of two embodiments depicted in Figs. 1 and 3 of the reference. The anchoring seats of the Kaneko assembly each receive a base plate 26 of caster roller 24.

In order to lock the base plate of the caster to the base of the luggage, the seat anchor of

Fig. 1 employs a resilient stopper 16 with a single point projection 18 having a curved end 20 wherein the projection 18 enters a corner opening 34 of the caster base plate during installation. To release the base plate, the curved end 20 of the stopper 16 is depressed to withdraw projection 18 to allow removal of the base plate.

In the second embodiment of Kaneko, the seat anchor of Fig. 3 employs a resilient bottom tongue 46 (T-shaped) having a weir or elevation 48 positioned at the edge of tongue 46. Tongue 46 also has two point projections which enter holes 50 when the caster base plate is installed. The caster base plate 26 of the caster is released from the seat anchor of Fig. 3 by depressing the bottom tongue 46.

It is believed especially noteworthy to point out the resilient curved stopper 16 of the seat anchor of Fig. 1 and the T-shaped tongue of the seat anchor of Fig. 3 of Kaneko do not extend beyond the perimeter of the seat in accordance with Applicant's device.

This distinctive structural feature of Applicant's device, wherein the extension means has a length extending past the perimeter of the caster bracket is best illustrated by Fig. 1 (30) and also Figs. 3, and 5-6 (30) of the subject application. The extension of the Applicant's flexible member provides protection from injury to the fingers when disconnecting a caster base plate from the caster bracket, while also performing as a true second class lever providing added force/strength for releasing (unlocking) the caster from the caster bracket by allowing easier elevation of the "flexible member" (26).

Applicants maintain the structural feature consisting of a flexible member with extension means having a length extending beyond the perimeter of the caster plate is neither taught under 35 U.S.C. 102(b), nor suggested under 35 U.S.C. 103 by the Kaneko reference. Consequently, the rejection of claims 1-22 under 35 U.S.C. 102(b) cannot stand.

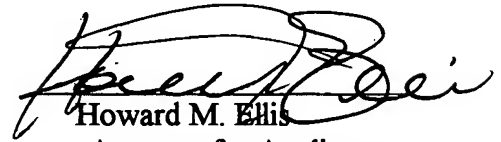
Accordingly, reconsideration and withdrawal of the rejection of claims 1-22, are courteously solicited.

In view of the foregoing remarks, it would appear this application is now in condition for

allowance, and notification of the same at an early date courteously solicited.

Respectfully submitted,

12/6/04

A handwritten signature in cursive script, appearing to read "Howard M. Ellis", written over a horizontal line.

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